

paragraphs (2) and (3) and inserting the following:

“(2) SPECIFIED TAX CREDIT BOND.—For purposes of this subsection, the term ‘specified tax credit bond’ means any qualified tax credit bond (as defined in section 54A(d)(1)) if the issuer of such bond makes an irrevocable election to have this subsection apply.”

(B) Subparagraph (A) of section 6211(b)(4) of the Internal Revenue Code of 1986 is amended by striking “and 6428A” and inserting “6428A, and 6431”.

#### SEC. 80704. GREEN BUILDING PRACTICES.

(a) IN GENERAL.—In carrying out a new construction or renovation project using any available project proceeds from the issuance of any qualified community college bond (as defined in subsection (a) of section 54 of the Internal Revenue Code of 1986), a governing body (as defined in subsection (c)(1) of such section) shall use, of those proceeds, not less than the applicable percentage described in subsection (b) for construction or renovation that is certified, verified, or consistent with the applicable provisions of—

(1) the Leadership in Energy and Environmental Design green building rating standard of the United States Green Building Council;

(2) the Living Building Challenge green building certification program developed by the International Living Future Institute;

(3) a green building rating program developed by the Collaborative for High-Performance Schools that is designated as CHPS Verified; or

(4) a green building program that—

(A) has standards that are equivalent to or more stringent than the standards of a program described in paragraph (1), (2), or (3);

(B) is adopted by the State or another jurisdiction with authority over the local educational agency; and

(C) includes a verifiable method to demonstrate compliance with the program.

(b) APPLICABLE PERCENTAGE DESCRIBED.—The applicable percentage referred to in subsection (a) is—

(1) for fiscal year 2022, 60 percent;

(2) for fiscal year 2023, 70 percent;

(3) for fiscal year 2024, 80 percent;

(4) for fiscal year 2025, 90 percent; and

(5) for each of fiscal years 2026 through 2031, 100 percent.

#### SEC. 80705. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED PRODUCTS.

(a) IN GENERAL.—A governing body (as defined in subsection (c)(1) of section 54 of the Internal Revenue Code of 1986) that receives covered funds shall ensure that any iron, steel, and manufactured products used in projects carried out with such funds are produced in the United States.

(b) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Secretary may waive the requirement of subsection (a) if the Secretary determines that—

(A) applying subsection (a) would be inconsistent with the public interest;

(B) iron, steel, and manufactured products produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(C) using iron, steel, and manufactured products produced in the United States will increase the cost of the overall project by more than 25 percent.

(2) PUBLICATION.—Before issuing a waiver under paragraph (1), the Secretary shall publish in the Federal Register a detailed written explanation of the waiver determination.

(c) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with the obligations of the United States under international agreements.

(d) DEFINITIONS.—In this section:

(1) COVERED FUNDS.—The term “covered funds” means any available project proceeds from the issuance of any qualified community college bond (as defined in section 54(a) of the Internal Revenue Code of 1986).

(2) MANUFACTURED PRODUCT.—The term “manufactured product” means any construction material or end product (as such terms are defined in part 25.003 of the Federal Acquisition Regulation) that is not an iron or steel product, including—

(A) electrical components; and

(B) non-ferrous building materials, including aluminum and polyvinylchloride (PVC), glass, fiber optics, plastic, wood, masonry, rubber, manufactured stone, any other non-ferrous metals, and any unmanufactured construction material.

(3) PRODUCED IN THE UNITED STATES.—The term “produced in the United States” means the following:

(A) When used with respect to a manufactured product, the product was manufactured in the United States and the cost of the components of such product that were mined, produced, or manufactured in the United States exceeds 60 percent of the total cost of all components of the product.

(B) When used with respect to iron or steel products, or an individual component of a manufactured product, all manufacturing processes for such iron or steel products or components, from the initial melting stage through the application of coatings, occurred in the United States, except that the term does not include—

(i) steel or iron material or products manufactured abroad from semi-finished steel or iron from the United States; and

(ii) steel or iron material or products manufactured in the United States from semi-finished steel or iron of foreign origin.

(4) SECRETARY.—The term “Secretary” means the Secretary of Education.

#### SEC. 80706. EFFECTIVE DATE.

The amendments made by this title shall apply to obligations issued after the date of the enactment of this Act.

**SA 2550.** Mr. OSSOFF (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 202, strike line 5 and insert the following:

(2) in subsection (1)—

(A) by striking paragraph (2);

(B) by striking the subsection designation and all that follows through “In determining” in paragraph (1) in the matter preceding subparagraph (A) and inserting the following:

“(1) ACCOMMODATING UTILITY FACILITIES IN THE RIGHT-OF-WAY.—

“(1) DEFINITIONS.—In this subsection:

“(A) FEDERAL LAND.—The term ‘Federal land’ means any land or interest in land owned by the United States.

“(B) INDIAN LAND.—The term ‘Indian land’ means—

“(i) land within the limits of an Indian reservation; or

“(ii) land over which an Indian Tribe exercises governmental power and that is—

“(I) held in trust by the United States for the benefit of any Indian tribe or individual Indian; or

“(II) held by an Indian Tribe or individual Indian subject to restriction by the United States against alienation.

“(C) RIGHT-OF-WAY.—The term ‘right-of-way’ means any real property, or interest therein, acquired, dedicated, or reserved for the construction, operation, and maintenance of a highway.

“(D) UTILITY FACILITY.—

“(i) IN GENERAL.—The term ‘utility facility’ means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, that directly or indirectly serves the public.

“(ii) INCLUSIONS.—The term ‘utility facility’ includes—

“(I) a renewable energy generation facility;

“(II) electrical transmission and distribution infrastructure; and

“(III) broadband infrastructure and conduit.

“(2) ACCOMMODATION.—In determining”; and

(C) by adding at the end the following:

“(3) STATE APPROVAL.—A State, on behalf of the Secretary, may approve accommodating a utility facility described in paragraph (1)(D)(ii) within a right-of-way on a Federal-aid highway.

“(4) EXCLUSION.—Paragraph (3) shall not apply to a utility facility on Federal land or Indian land.

“(5) SAVINGS PROVISION.—Nothing in this subsection alters or affects any prohibition relating to commercial activity under section 111(a).”;

(3) in subsection (o)—

On page 202, line 23, strike “(3)” and insert “(4)”.

On page 203, strike line 17 and insert the following:  
the project is located on a Federal-aid highway.

“(t) VEGETATION MANAGEMENT.—States are encouraged to implement, or to enter into partnerships to implement, vegetation management practices, such as increased mowing heights and planting native grasses and pollinator-friendly habitats, along a right-of-way on a Federal-aid highway, if the implementation of those practices—

“(1) is in the public interest; and

“(2) will not impair the highway or interfere with the free and safe flow of traffic.”.

**SA 2551.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1200, strike line 9, and all that follows through page 1202, line 10, and insert the following: